REMARKS

Claims 1-20, 24 and 28-47 are objected to for the use of parentheses in listing the claimed method steps. The parentheses and method step numbers have been deleted from these claims with the exception of claims 11-14, 18, 21 and 45 which refer to twenty items by Roman numerals. Applicants request that these claims be permitted to use the numerals since it is believed that they tend to clarify the claims. No new matter has been added.

Claims 3-6, 8, 12-15 and 40-42 stand rejected under 35 U.S.C. §112, second paragraph.

In claim 3 the recited "step (4)" is now referenced as "further comprising". Antecedent basis for "the data transfer device" in claim 8 has now been provided. Claim 12 depends from claims 11 and 1, claim 1 now reciting a method to determine the status of a vehicle undergoing repair. The "vehicle" in the first line of claim 12 has proper antecedent basis. Claim 13 has been amended to specify that the repair steps listed in claim 11 are performed in the order of the information items (i) to (xx). Applicants appreciate that the use of numerals within parentheses may in some circumstances render a claim confusing. However, in the present situation there are 20 separate steps and status data generated for each of the steps in an effort to present claims 11-14 as succinctly as possible. As such, claim 14 which refers to repair steps (v), (x) and (xv) has sufficient antecedent basis in claim 12.

Claims 1-47 stand rejected under 35 U.S.C. §102(e) for anticipation by U.S. Patent Application Publication No. 2002/0007289 to Malin et al.

Claims 1, 16, 21 and 43 have been amended to more particularly define the invention. Claims 2, 9, 10, 23 and 27-42 have been cancelled. The remaining pending claims are believed to define over the Malin publication for the following reasons.

The Malin application discloses a method of coordinating automobile repairs by maintaining statistics for a plurality of body shops in a database. Body shop data is automatically updated from data received over a network of computers. The data may include available capacity, customer satisfaction index, cycle time, customer call-up performance, on-time delivery, employee satisfaction, throughput, dead time, labor utilization, asset utilization and labor productivity. The data may be shared with third parties such as insurance companies and the customer.

Missing from the method and system disclosed in the Malin publication are several features of the present invention: tracking the vehicles by a vehicle identifier which may be a vehicle identification number (VIN) or bar code, the particular order of repair steps specified in the present invention, status reporting following completion of certain of these repair steps and monitoring for unchanged status data for a predetermined length of time and monitoring for the unchanged repair status data based on make, model or year of the vehicle.

In particular, claim 1 has been amended to specify that the method determines the status of a vehicle undergoing repair by maintaining a computer database containing a vehicle identifier for the vehicle undergoing repair and repair status information for that vehicle. The vehicle identifier may be a VIN or bar code. The only mechanism for identifying vehicles within the system of the Malin publication is a repair order which may identify a customer, an automobile or an insurance claim. Nowhere does the Malin patent consider tracking the repair status of a vehicle by maintaining a computer database that includes a vehicle identifier that is a VIN or bar code and the repair status for that vehicle. As such, claim 1 and dependent claims 3-8 define over the Mallin patent.

Claim 11 further defines the method of claim 1 and specifies that the status data which is maintained in the computer database for each vehicle identifier or vehicle undergoing repair is one of the twenty items listed therein. According to claim 12, the vehicle undergoes repair corresponding to each of the information items (i)-(xx) listed in claim 11. Claim 13 requires that the repair steps be performed in the particular order of items (i)-(xx) as listed in claim 11. Claim 14 requires that the status of the vehicle is provided to the owner of the vehicle following repair step (v) (parts received), repair step (x) (additional parts ordered) and repair step (xv) (metal work completed). The Malin publication fails to disclose the vehicle undergoing the particular repair steps set forth in claim 11 and which are performed in the order of the information listed in claim 11 (per claim 13) and which result in the status of the vehicle provided to the owner of the vehicle following at least one of repair steps (v), (x) and (xv). As such, claims 11-14 further define over the Malin patent.

Claims 16-18 are directed to a method of tracking the repair process of a vehicle in a repair shop undergoing repair by periodically transferring the data on the status

of vehicles undergoing repair to a computer database and determining length of time of the status for each vehicle remains unchanged by software on the computer. Statistical data collected according to the Malin process includes "cycle time" and "dead time". Cycle time is the time required to perform a repair step or an entire series of repair steps. Dead time presumably refers to a period of time in the repair process where no activity on the repair process has occurred. These two pieces of data (cycle time and dead time) do not indicate the length of time at which status data remains unchanged or the length of time that the status data remains unchanged beyond a predetermined length of time. Claim 16 requires that the method determines the length of time that the status data for each vehicle tracked in the repair process remains unchanged and determines the extent that the status data is unchanged beyond a predetermined length of time. No such process steps are considered in the Malin publication. While cycle time and dead time relate to the efficiency of operation in a repair shop, that data is distinct from the data tracked in the method of claim 16, namely the length of time that the status data remains unchanged and the extent that it remains unchanged beyond a predetermined length of time. Nowhere in the Malin patent is there any consideration given to the length of time that the status data should be unchanged. As such, claims 16-19 define over the Malin patent.

Claim 18 further defines claim 16 in requiring particular types of status data that are transferred in the method and which are determined to be unchanged or not. As such, claim 18 further defines over the Malin publication.

Claim 20 requires that the method of claim 16 store an identifier for each vehicle, the identifier being selected from a vehicle make, vehicle model and vehicle year. In the step of determining the extent the status data is unchanged beyond a predetermined length of time, that information is tracked for each identifier (vehicle make, model or year). Nowhere in the Malin publication is there any consideration given to determining the length of unchanged status data for a particular vehicle make, vehicle model or vehicle year. Accordingly, claim 20 further defines over the Malin publication.

Claim 21 is directed to a system for determining the status of a vehicle undergoing repair and includes elements corresponding to the method of claim 1. Claim 21 has been amended to specify that the status data which is tabulated in the computer database includes a vehicle identifier which may be a VIN or bar code and repair status information for the vehicle undergoing repair. As noted above, the Malin publication fails to

disclose a system in which vehicles are tracked through a computer database by VIN or bar code which is related to the repair status information for that particular vehicle. Claims 24-26 further refine the system of claim 21 and parallel claims 11-13. As such, claims 24-26 further define over the Malin patent for the same reasons that claims 11-13 define thereover.

Claim 43 is directed to a system of tracking the repair process of a vehicle in a repair shop and has elements that correspond to the method steps of claim 16. As such, claim 43 now requires a means for determining the extent the status data of a vehicle undergoing repair remains unchanged beyond a predetermined length of time. As noted above, the Malin patent fails to disclose any such component for determining the length of time the status data is unchanged, much less unchanged beyond a predetermined length of time. Hence, claim 43 and dependent claims 44-46 define over the Malin publication.

Claim 47 further requires that the database contain identifiers for each vehicle, the identifier being vehicle make, vehicle model or vehicle year, such that the software can determine the extent that the status data for each identifier remains unchanged beyond a predetermined length of time. As noted above, the Malin publication does not consider a system which allows for tracking a particular identifier of vehicle make, model or year, which results in unchanged status data over a period of time. In view of the foregoing, claim 47 further defines over the Malin publication.

Claims 1, 3-8, 11-22, 24-26 and 33-47 remain in the application and are believed to be in condition for allowance. Favorable action thereon is respectfully requested.

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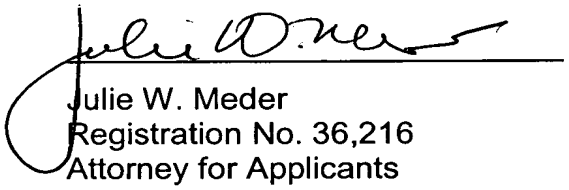
Respectfully submitted,



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